

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---------------|---|---------------------|
| In Re: |) | Case No. 20 B 01034 |
| |) | |
| TINA J. LANE, |) | Chapter 13 |
| |) | |
| Debtor. |) | Hon. Carol A. Doyle |

**NOTICE OF MOTION OF FIRST INVESTORS FINANCIAL SERVICES
TO MODIFY AUTOMATIC STAY**

VIA ELECTRONIC NOTICE:

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| To: Tom Vaughn (Trustee) 55 East Monroe Street, Suite 3850 Chicago, Illinois 60603 | David M. Siegel (Debtor's Counsel) David M. Siegel & Associates 790 Chaddick Drive Wheeling, Illinois 60090 |
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VIA U.S. MAIL:

To: Tina J. Lane (Debtor)
9954 South 84th Terrace, Building 34, Apt. 210
Palos Hills, Illinois 60465

PLEASE TAKE NOTICE that on July 7, 2020 at 9:30 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable Carol A. Doyle, or any judge sitting in his/her stead, and present the *Motion of First Investors Financial Services to Modify Automatic Stay*, a copy of which is attached.

This Motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the Motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this Motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the Motion will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the Motion in advance without a hearing.

Respectfully submitted,
FIRST INVESTORS FINANCIAL SERVICES,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Rocio Herrera (Ill. #6303516)
Sorman & Frankel, Ltd.
180 North LaSalle Street, Suite 2700
Chicago, Illinois 60601
(312) 332-3535 / (312) 332-3545 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at Chicago, Illinois 60616 on June 24, 2020, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

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| TINA J. LANE, |) | Chapter 13 |
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| Debtor. |) | Hon. Carol A. Doyle |

**MOTION OF FIRST INVESTORS FINANCIAL SERVICES
TO MODIFY AUTOMATIC STAY**

FIRST INVESTORS FINANCIAL SERVICES (“First Investors”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. §362 (West 2020), and such other Sections and Rules may apply, to enter an Order modifying the automatic stay provided therein. In support thereof, First Investors states as follows:

1. On January 14, 2020, Tina J. Lane (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. Thereafter, on February 26, 2020, Debtor filed an Amended Chapter 13 Plan, which provides for direct payments from Debtor to First Investors on First Investors’ secured claim, and which was confirmed on March 31, 2020.

2. First Investors is a creditor of the Debtor with respect to a certain indebtedness secured by a lien upon a 2016 Kia Optima motor vehicle bearing a Vehicle Identification Number of 5XXGT4L33GG053349 (the “Vehicle”). (See Ex. “A”).

3. As set forth in the Retail Installment Contract attached as Exhibit “A”, Debtor was required to tender equal monthly payments to First Investors, each in the sum of \$421.57 with an interest rate of 23.57%. (See Ex. “A”).

4. Debtor has failed to make required payments to First Investors due on and after March 15, 2020, resulting in a current default of \$1,687.85; the next payment of \$421.57 comes due on July 15, 2020.

5. The current total outstanding balance due to First Investors from the Debtor for the Vehicle is \$15,926.71.

6. Debtor has failed to provide First Investors or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying First Investors as the lienholder/loss payee.

7. As such, First Investors seeks relief from the automatic stay so that First Investors may take possession of and sell the Vehicle and apply the sales proceeds to the balance due from Debtor.

8. Debtor has not offered, and First Investors is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

9. First Investors will suffer irreparable injury, harm, and damage should it be delayed in taking possession of the Vehicle and foreclosing its security interest therein.

10. First Investors requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, First Investors Financial Services respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay provided by Section 362 of the Bankruptcy Code to permit First Investors to take immediate possession of and foreclose its security interest in the 2016 Kia Optima motor vehicle bearing a Vehicle Identification Number of 5XXGT4L33GG053349; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,

FIRST INVESTORS FINANCIAL SERVICES,
Creditor,

By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
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